IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10418 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHARTIBEN CHANDRAKANTBHAI THAKOR

Versus

CHIEF DISTRICT HEALTH OFFICER

Appearance:

MR LN MEDIPALLY for Petitioner

None present for Respondent No. 1

MR PR JOSHI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/10/2000

ORAL JUDGEMENT

Heard learned counsel for the parties.

Reply to the Special Civil Application has not been filed by either of the respondents and as a result of which the

averments made by the petitioner in the Special Civil Application stand uncontroverted and same are to be taken to be admitted by the other side.

The petitioner submitted an application on 18.4.93 to the respondent No.1 requesting to accept his resignation from the services. Before this resignation could have been accepted she filed another application on 23.11.93 withdrawing her earlier application of resignation. It is the case of the petitioner that the respondent No.1 informed to her to join her duties vide letter dated 20.12.93. The petitioner submitted her joining report on 16.9.94 requesting to permit her to join duties. The resignation of the petitioner was came to be accepted by the respondent under order dated 23/26.12.94 with effect from 31.3.1993.

It is no more res integra that before the resignation accepted by the employer it is always open to him / her to withdraw the same. This is what precisely the position in this case. As a result of which this petition succeeds and the same is allowed and the order dated 23/26.12.94 passed by the respondent No.1 is hereby quashed and set aside and as a result of quashing and setting aside that order the petitioner is entitled for all the consequential benefits follow therefrom.

The Rule is made absolute accordingly. However, no order as to costs.

(S.K.Keshote, J.)
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